

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TODD LORENZO JOHNSON,

Plaintiff,

-v-

UMG RECORDING, INC. *et al.*,

Defendants.
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23 Civ. 3021 (JPC) (GS)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

JOHN P. CRONAN, United States District Judge:

On December 6, 2024, the Honorable Gary Stein issued a Report and Recommendation in this case, recommending that summary judgment be granted in favor of Defendants UnitedMasters, LLC (“United Masters”), Spotify USA, Inc. (“Spotify”), and Amazon Music, that leave to replead be denied, and that this action be dismissed with prejudice. *See* Dkt. 64. On January 3, 2025, the Court issued an Order adopting the recommendations in the Report and Recommendation that this action be dismissed as to United Masters, Spotify, and Amazon Music, and that leave to replead be denied. Dkt. 65.

In the January 3, 2025 Order, the Court identified that Plaintiff’s Complaint “also names as Defendants Believe Digital and TuneCore.” *Id.* at 3. The Court noted that “[t]he same deficiencies identified by Judge Stein that require dismissal as to the other remaining Defendants would appear to also require dismissal as to Believe Digital and TuneCore.” *Id.* To afford Plaintiff adequate notice and opportunity to respond, *see* Fed. R. Civ. P. 56(f), the Court ordered Plaintiff “to show cause why the Court should not similarly grant summary judgment in favor of Believe Digital and TuneCore and dismiss his claims against these Defendants.” *Id.*

Plaintiff’s response to the order to show cause was due January 17, 2025. *Id.* That deadline

has passed and no response has been received from Plaintiff. Therefore, the Court *sua sponte* grants summary judgment in favor of Believe Digital and TuneCore, for the reasons stated in the Report and Recommendation. This action is dismissed with prejudice as to Believe Digital and TuneCore. The Clerk of Court is respectfully directed to enter judgment in favor of Defendants on Plaintiff's Copyright Act claim in Count One and to close this case.

SO ORDERED.

Dated: January 23, 2025
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge